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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,629	11/20/2003	Kang Soo Seo	1740-000065/US	6344
30593 7590 06/19/2007 HARNESSE, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER SHIBRU, HELEN	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 06/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,629

Applicant(s)

SEO ET AL.

Examiner

HELEN SHIBRU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/27/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Okada (US PG PUB 20040057700 A1).

Regarding claim 1, Okada discloses a recording medium having a data structure for managing reproduction of data recorded on the recording medium, comprising: a recording area storing at least first and second clip stream files and a playlist (see paragraph 0207 and figs. 1 and 4); the first clip stream file including video data representing at least one still image (see paragraphs 0208, 0211-0212 and 0570); the second clip stream file including at least audio data; the playlist including at least one playitem and at least one sub-playitem, the playitem indicating at least a portion of the first clip stream file to reproduce, the sub-playitem indicating at least a portion of the second clip stream file to reproduce (see figs. 4, 42A-B and paragraphs 0212, 0280-0283).

Regarding claim 2, Okada discloses the playitem and the sub-playitem provide for reproducing at least one still image and audio data, respectively, such that the still image and the audio data are played in synchronization with one another (see 0207-0212). Regarding claim 3, Okada discloses the playitem indicates a

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start point and an end point for reproducing the video data in the first clip stream file and the sub-playitem indicates a start point and an end point for reproducing the audio data in the second clip stream file (see fig. 42).

Regarding claim 4, Okada discloses the playitem indicates a start point and an end point for reproducing the video data in the first clip stream file and the sub-playitem indicates a start point and an end point for reproducing the audio data in the second clip stream file (see fig 42).

Regarding claim 5, Okada discloses the first clip stream file includes video data representing more than one still image (see paragraphs 0211-0212); and the playitem indicates to reproduce a number of the still images (see fig. 4 and paragraph 0212).

Claim 6 is rejected for the same reason as discussed in claim 1 above.

Regarding claim 7, Okada discloses A method of reproducing a data structure for managing reproduction of data recorded on a recording medium, comprising: reproducing at least first and second clip stream files and a playlist from the recording medium, the first clip stream file including video data representing at least one still image, the second clip stream file including at least audio data, the playlist including at least one playitem and at least one sub-playitem, the playitem indicating at least a portion of the first clip stream file to reproduce, the sub-playitem indicating at least a portion of the second clip stream file to reproduce (see paragraphs 0209, 0033, 0703 and rejection of claim 1 above).

Regarding claim 8, Okada discloses an apparatus for recording a data structure for managing reproduction of data recorded on a recording medium, comprising: a driver for driving an optical recording device to record data on the recording medium (see

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paragraphs 0146 and 0151); a controller (see fig. 34) for controlling the driver to record at least first and second clip stream files and a playlist on the recording medium, the first clip stream file including video data representing at least one still image, the second clip stream file including at least audio data, the playlist including at least one playitem and at least one sub-playitem, the playitem indicating at least a portion of the first clip stream file to reproduce, the sub-playitem indicating at least a portion of the second clip stream file to reproduce (see rejection of claim 1 above and fig. 48)

Regarding claim 9, the limitation of claim 9 can be found in claims 7 and 8. therefore claim 9 is analyzed and rejected for the same reason as discussed in claims 7 and 8 above.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-5 are rejected under 35 U.S.C. 101 because data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical “things” nor statutory processes. See, e.g. Warmerdam, 33 F. 3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. In addition a mere arrangements or compilations of facts or data, are merely stored so as to be read or outputted by a computer without creating any functional interrelationship either as part of the stored data or as part of the computing processes performed by the computer then such descriptive

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material alone does not impart functionality either to the data as so structured, or to the computer, and therefore are not statutory. See MPEP 2106.IV.B.1.

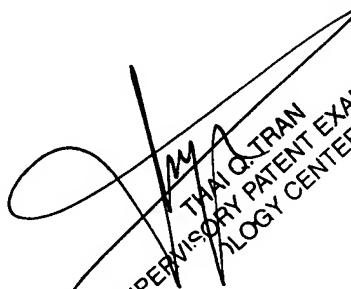
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
June 8, 2007


THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
/ LOGY CENTER 2600